

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on November 5, 2008. At the time the Examiner mailed the Office Action, claims 1-13 were pending. By way of the present response applicants have: 1) amended claims 1 and 3-5; and 2) added no claims; and 3) canceled claims 6, 8, and 9. As such, claims 1-5, 7, and 10-13 are now pending.

Applicants have amended the claims to clarify the subject matter claimed. Claim 1 has been amended to include features previously presented in claims 8 and 9 and to include features of the hydraulic actuator as disclosed in the specification as originally filed (see, e.g., Specification page 15 and Figs. 3-7 120, 140, and 142). No new matter has been added.

Reconsideration of this application as amended is respectfully requested.

Specification Objections

The Examiner objected to the specification because, on page 11, each of Figures 4-7 must have an individual description. Applicants have amended the specification as recommended by the Office Action and submit that the objection to the specification has been overcome. Applicants respectfully submit that the amendment of the specification is supported by the specification and drawings as originally filed and does not add new matter.

Claim Objections

The Examiner objected to claim 1 because "variator" should be removed from the claim. Applicants have amended claim 1. Accordingly, applicants submit that the objection to claim 1 has been overcome.

Claim Rejections – 35 U.S.C. §102

Claims 1-5, 7, and 10-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,634,977 by Ooyama, (hereinafter "Ooyama"). Ooyama describes a clutch control system in a continuously variable transmission system for a vehicle. In particular, Ooyama discloses:

When the toroidal type continuously variable transmission T reaches the OD ratio, the duty ratio of the **electronically controlled valve 115** of the SC control valve 116 to the **electronically controlled valve 117** of the RVS SCC valve 118 is controlled so as to disengage the first clutch C1 that has been in an engaged state and engage the second clutch C2 that has been in a disengaged state.

(Ooyama, col. 9, lines 61-67) (emphasis added).

In contrast to Ooyama, claim 1 describes a system in which a change of the shift valve causes the changes in states of the two clutches and in which the control pressures applied to the variator's hydraulic actuator are also controlled by the shift valve. Consequently, the entire process of transmission regime change can be initiated by changing the state of the shift valve and is managed solely by the transmission's hydraulics, without need of additional electronic control. As emphasized above, Ooyama discloses that the transition between ratios, and corresponding engaging and disengaging of clutches, is managed via electronically controlled solenoids.

Applicants respectfully submit that Ooyama represents the legacy system of controlling clutches and variator actuating pressures through software. The present application claims a system that manages this process hydraulically. Hydraulics can effect the regime change very rapidly, without the chance for the engine to accelerate during the process, and without appreciable time in fixed synchronous ratio. (see, e.g., pages 6-7 of the Specification).

Accordingly, applicants respectfully submit that the rejection of claim 1 has been overcome. Given that claims 2-5, 7, and 10-13 are dependent upon claim 1, applicants respectfully submit that the rejection of claims 2-5, 7, and 10-13 has been overcome for at least the reasons set forth above.

CONCLUSION

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome.

Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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